

REMARKS

In a final Office Action dated September 19, 2006 and an Advisory Action dated December 8, 2006, the Examiner rejects claims 1-21 (all Pending Claims). In response to the Office Action and Advisory Action, Applicants amend claim 1 and respectfully traverse the rejection. Claims 1-21 (All Pending Claims) remain in the application. In light of the following arguments, Applicants respectfully request that this application be allowed.

Applicants have amended claim 1 to recite that water is 13 % of said mixture. This amendment is supported by paragraph 22 in the specification. No new matter is entered by this amendment.

In the Office Action, the Examiner rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent issued to Nixon (Nixon). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id. The Examiner has failed to produce evidence that each and every claimed element.

Specifically, amended claim 1 recites “blending a flow of fuel soluble product, a flow of stabilizer, and a flow of water in a mixing vessel to form a mixture wherein water is 13 % of said mixture.” Nixon does not teach this element. Instead, Nixon teaches a fuel emulsion for jet fuel in which the amount of water in the mixture is minimized to prevent corrosion. In fact, Nixon specifically states that water is a problem and should be minimized. See Col. 2, line 46-53. In the present invention, water is added to reduce emissions of NO_x compounds by causing the fuel to burn at lower temperatures. Nixon specifically teaches that in normal transportation and storage some water will be added to the fuel. See Col. 1, lines 56-70. Furthermore, the amount of water in the fuel is small and may not even exceed 1.5 % by weight of total emulsion which is much less than the 13% recited in the claims and taught in the specification. Id. The difference between Nixon and the present invention is the water is minimal and due to natural seepage and separation in Nixon. In the present invention, the added water is significantly greater than natural seepage. In this invention, the water added during the mixing makes a fuel that reduces NO_x. Thus, Nixon does not teach the blending of a flow of water with the other materials as recited in amended claim 1. Thus, Applicants respectfully request that the rejection of claim 1 be removed and amended claim 1 be allowed.

Claims 2-7 are dependent from claim 1. Thus, claims 2-7 are allowable for at least the same reasons as amended claim 1. Thus, Applicants respectfully request that the rejections of claims 2-7 be removed and claims 2-7 be allowed.

Claim 8 recites a method of making a fuel emulsion including the method for making an emulsion package as recited in amended claim 1. Thus, claim 8 is allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the rejections of claim 8 be removed and claim 8 be allowed.

Claims 9-21 are dependent from claim 8. Thus, claims 9-21 are allowable for at least the same reasons as claim 8. Thus, Applicants respectfully request that the rejections of claims 9-21 be removed and claims 9-21 be allowed.

If the Examiner has any questions regarding this response or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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